

22904

**SETTLEMENT AGREEMENT CONCERNING
APPLICATION FOR LIQUOR LICENSE RENEWAL
BY TAKOMA STATION TAVERN
BEFORE THE ALCOHOL BEVERAGE CONTROL BOARD
OF THE DISTRICT OF COLUMBIA
(APPLICATION NO. 22904—1997 RENEWAL PROCEEDING)**

This Settlement Agreement ("Agreement") is entered into between (i) Sweets & Bitters, Inc., the sole owner and operator of Takoma Station Tavern, located at 6914 Fourth Street, N.W., Washington, D.C. ("Takoma Station"), which is the holder of Class C Liquor License No. 22904 issued by the Alcohol Beverage Control Board ("ABC Board") of the District of Columbia, and (ii) the Board of Directors and individual unit owners of the Watkins Condominium Association (collectively, the "Watkins"), which is organized under the laws of the District of Columbia and which jointly or severally owns property located at 406 and 408 Cedar Street, N.W., Washington, D.C. Takoma Station and the Watkins agree that the undersigned have standing and are competent to enter into this Agreement.

In exchange for the Watkins' withdrawal of its protest against Takoma Station's application for renewal of its License, Takoma Station agrees to the terms and conditions, set forth below, for the granting of its License renewal application. The parties jointly request and agree that the ABC Board grant the License renewal conditioned upon Takoma Station's compliance with the following terms of this Agreement, which the parties jointly request and agree the ABC Board shall incorporate into its order.

- (1) Takoma Station shall contain the volume of noise generated by music, whether live or recorded, provided at the premises at 6914 Fourth Street, N.W., so as to comport with all provisions of, and regulations under, the D.C. Noise Control Act, *see* 20 DCMR §§ 3000-3299, including but not limited to 20 DCMR §§ 3001.1 *et seq.* (setting forth maximum sound levels), 20 DCMR §§ 3013.1 *et seq.* (setting forth penalties for violations); 20 DCMR §§ 3014 *et seq.* (setting forth civil enforcement rights); and 20 DCMR §§ 3100.1

et seq. (setting forth particular maximum sound levels for musical instruments, loudspeakers, and amplifiers).

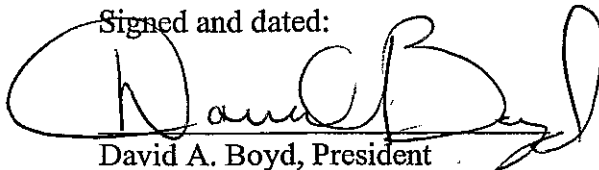
- (2) Takoma Station shall provide to the Watkins Board of Directors ("Watkins Board") the telephone numbers, including any unlisted numbers, that unit owners of and/or residents in the Watkins may use to immediately reach (a) the management of Takoma Station, and (b) at least one designated officer and shareholder in Sweets & Bitters, Inc., to register complaints concerning the volume of music or other noise emanating from the premises of Takoma Station.
- (3) Takoma Station has on this date provided the following telephone numbers that may be used by owners and/or residents in the Watkins for the purpose of registering complaints about noise to managers on the premises of Takoma Station: (202) 829-1999 and (202) 829-1937.
- (4) Takoma Station shall ensure that these telephone lines are answered by either a human being or telephone recording device and, if the latter occurs, that a manager of Takoma Station shall respond as follows: the volume of music, whether live or recorded, shall be immediately reduced to the levels set forth in Paragraph 1, *supra*, and that a manager shall return the call placed by an owner or resident in the Watkins within 24 hours of receipt of the call.
- (5) Takoma Station, in the event that any telephone numbers are added or changed at the premises at 6914 Fourth Street, N.W., shall provide written notice concerning the new or additional numbers to the Watkins Board.
- (6) Takoma Station has on this date provided the following telephone number of a designated shareholder in Sweets & Bitters, Inc., which also may be used by owners and/or residents of the Watkins in the event that complaints concerning noise registered with a person holding himself or herself out as an on-premises manager of Takoma Station are not addressed within 30 minutes: (301) 587-8243, the telephone number of David A. Boyd, president, shareholder, and manager.
- (7) Takoma Station, in the event that David A. Boyd changes his telephone number or severs his current connections with Takoma Station, shall provide to the Watkins Board written notice of the name and telephone number of another designated shareholder to assume the duties set forth in Paragraphs 2, 4, and 6, *supra*.
- (8) The Watkins shall provide to Takoma Station the names and home telephone numbers of all residents or owners of Watkins units who are authorized by the Watkins Board to register complaints concerning the volume of music or other noise emanating from the premises of Takoma Station. The initial list of Watkins owners and/or residents shall be supplied to Takoma Station on or before October 31, 1997, and the Watkins will provide updated information to Takoma Station as residents and/or owners move, sell, or acquire units within the Watkins.

The parties agree that each provision of this Agreement shall constitute a material term and condition of the License and that the Agreement shall be enforceable before the ABC Board or any other appropriate government agency or court.

This Agreement shall take effect upon the ABC Board's approval of Takoma Station's application for License renewal, and shall remain in effect for, and be included as material terms and conditions of, any and all future license renewals.

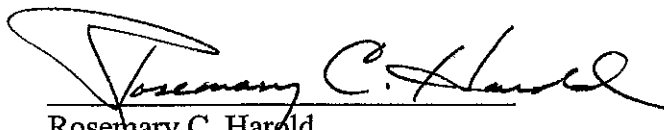
The provisions of this Agreement are severable, and if any provision of this Agreement is deemed void or invalid by the ABC Board or any other authority of the District of Columbia, or if the ABC Board determines not to incorporate any provision of this Agreement into its order, all other provisions shall remain valid, binding, and in effect.

Signed and dated:

 10/14/97

David A. Boyd, President
on behalf of Sweets & Bitters, Inc., and Takoma Station Tavern
6914 Fourth Street, N.W.

By signing above, I affirm and certify that I am an owner and President of Sweets & Bitters, Inc., the sole owner and operator of Takoma Station Tavern, and that I have full authority to enter into this Agreement on behalf of Sweets & Bitters, Inc.; any other shareholders in Sweets & Bitters, Inc., and Takoma Station Tavern.

 10/9/97

Rosemary C. Harold
President and Unit Owner
Watkins Condominium Association
406 Cedar Street, N.W., Apt. 1

By signing the above, I affirm and certify that I am the duly elected President of, and a unit owner in, the Watkins Condominium Association, and that I have full authority to enter into this Agreement on behalf of the Watkins Condominium Association, its Board of Directors, and its unit owners.

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Sweets & Bitters, Inc.
t/a Takoma Station Tavern

Application for a Retailer's License
Class CR - renewal
at premises
6914 - 4th Street, N.W.
Washington, D.C.

App. No. 22904-97108P

Rosemary C. Harold, President, on behalf of the Watkins Condominium Association, and Elizabeth McGregor, Protestants

David A. Boyd, President, on behalf of the Applicant

**BEFORE: BARBARA L. SMITH, ESQUIRE, CHAIR;
DENNIS BASS, MEMBER;
ALLEN BEACH, MEMBER;
MARY EVA CANDON, ESQUIRE, MEMBER;
LAVERNE KING, MEMBER;
EYDIE WHITTINGTON, MEMBER;
DUANE WANG, MEMBER**

ORDER ON A WITHDRAWN PROTEST

The application, having been protested came before the Board for public hearing on October 1, 1997 and was continued until October 22, 1997, in accordance with D.C. Code Section 25-115(c)(5)(1996 Supp.), providing for remonstrants to be heard. Rosemary C. Harold, President, on behalf of the Watkins Condominium Association, and Elizabeth McGregor filed timely protest letters. However, Elizabeth McGregor withdrew her opposition by letter dated January 4, 1998.

The official records of the Board reflect that the Rosemary C. Harold, President, on behalf of the Watkins Condominium Association, and the applicant have now reached an Agreement which has been reduced to writing, and has been properly executed and filed

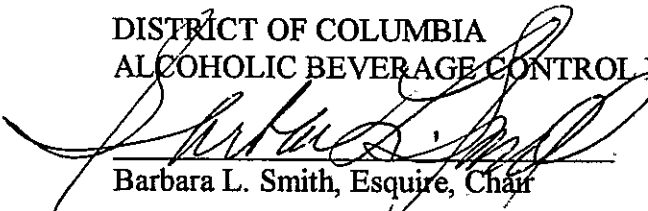
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t/a Takoma Station Tavern
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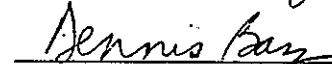
with the Board. Pursuant to the Agreement dated October 14, 1997, Ms. Harold agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

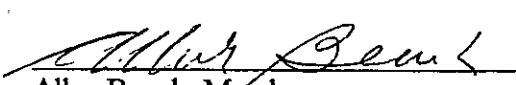
Accordingly, it is this 29 day of June 1998, **ORDERED** that:

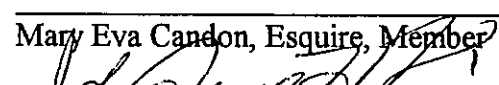
1. The protests of Rosemary C. Harold, President, on behalf of the Watkins Condominium Association, and Elizabeth McGregor, be, and the same hereby, are **WITHDRAWN**;
2. The above-referenced Agreement between the Rosemary C. Harold, President, on behalf of the Watkins Condominium Association, and the applicant, be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Sweets & Bitters, Inc. t/a Takoma Station Tavern for a retailer's license class CR -renewal at premises 6914 - 4th Street, N.W., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestants and the Applicant.

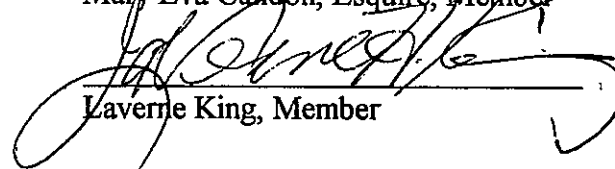
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD


Barbara L. Smith, Esquire, Chair

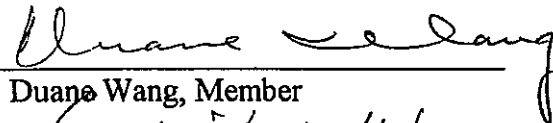

Dennis Bass, Member

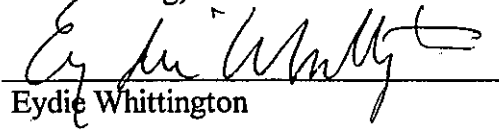

Allen Beach, Member


Mary Eva Candon, Esquire, Member


Laverne King, Member

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Duane Wang, Member


Eydie Whittington